

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In Re:

TRI STAR ALUMINUM CO. LP,  
Debtor

CHAPTER 11  
CASE NO. 2:09-bk-08974  
JUDGE LUNDIN

DEKALB COMMUNITY BANK,  
Office of Wilson Bank & Trust,  
Movant,

vs.

TRI STAR ALUMINUM CO. LP, Debtor,  
Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Dekalb Community Bank, Office of Wilson Bank & Trust, (hereinafter "Movant"), a secured creditor of the above, and respectfully moves this Court for an Order granting relief from the automatic stay provision of 11 U.S.C. § 362(a). In support, Movant would show:

1. Tri Star Aluminum Co. LP, (hereinafter "Debtor"), filed for relief under Chapter 11 on August 7, 2009.
2. This Court has jurisdiction over this Motion pursuant to 11 U.S.C. § 362.
3. DeKalb Community Bank, Office of Wilson Bank & Trust, holds a security interest in certain real property located at Edgewood Rd. & N/E Edgewood Rd., Alexandria, DeKalb and Smith County, Tennessee, (the "Property") by virtue of a Deed of Trust and Note executed by the Debtors on April 16, 2008, with the Deed of Trust being recorded on April 18, 2008 at Book 189, Page(s) 402-406 with the Smith, County Register and Book 284 page 805, DeKalb County

Register. A copy is attached hereto as Exhibit "A".

4. Movant would show that the note is delinquent. The Debtor is currently in default under the Security Documents.

5. Movant asserts that the current value of the Property is between \$150,000.00 and \$175,000.00. The payoff is \$189,418.58 as of September 29, 2011.

6. Since the filing of this Chapter 11, Debtor has remained in possession of the Property. Debtor's continued retention and use of the Property, together with the passage of time and current market conditions, is resulting in depreciation in the value of Movant's interest in the Property. An attempt to sell the property pursuant to 11 U.S.C. § 363 was unsuccessful. The Debtor in possession is no longer in operation.

7. Movant has not received adequate protection for its interest in the subject Property.

8. Pursuant to 11 U.S.C. § 362(d)(1), sufficient cause exist, including lack of adequate protection and Debtor's material defaults under the Security Documents to terminate the automatic stay.

9. Pursuant to 11 U.S.C. § 362(d)(2), the automatic stay should be terminated as to the Movant, its Property and the proceeds thereof as there is no equity in the Property considering the costs of sale and that such property is not necessary for an effective reorganization of the Debtor's affairs.

10. Pursuant to 11 U.S.C. § 361 and 363, Movant is entitled to adequate protection for its interests in the subject Property.

11. Movant additionally requests that the provisions of Rule 4001(a)(3) be waived and Movant be allowed to immediately enforce any order entered granting Movant relief from the

automatic stay and co-debtor relief.

WHEREFORE, **DeKalb Community Bank, Office of Wilson Bank & Trust** prays that:

1. The automatic stay is terminated as to **DeKalb Community Bank, Office of Wilson Bank & Trust**, the Property and the proceeds thereof effective immediately and, that the requirements of F.R.B.P 4001(a)(3) and are waived;
2. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Robert Evans Lee

Robert Evans Lee, #5629

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Lebanon, TN 37087

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and exact copy of the foregoing Motion for Relief has been served electronically, through the Court's electronic filing system to all parties indicated on the electronic filing receipt, or by United States mail, postage prepaid, on September 29, 2011, to the Debtor and to the 20 largest creditors pursuant to Fed. R. Bankr. P. 4001(a)(1), and to:

U.S. Trustee  
Office of the United States Trustee  
701 Broadway, Suite 318  
Nashville, TN 37203

Tri Star Aluminum Co. LP  
96 Industrial Rd.  
Alexandria, TN 37012

Daniel Hays Puryear  
SMYTHE & PURYEAR  
144 Second Ave Ste 333  
Nashville, TN 37201  
Attorney for Committee of Unsecured Creditors

Michael Collins, Trustee  
MANIER & HEROD  
One Nashville Place #2200  
150 Fourth Ave N  
Nashville, TN 37219-2494

**/s/ Robert Evans Lee**  
Robert Evans Lee

Baker Iron & Metal  
740 Rockcastle Ave.  
Lexington, KY 40505

Intrametco  
PO Box 663862  
Indianapolis, IN 46266

Tri Star Aluminum Mgt. Co.  
PO Box 68  
Alexandria, TN 37126

Morristown Shredder, Inc.  
PO Box 3158  
Morristown, TN 37815

Ed Shaw  
1650 W. Jefferson Ave.  
Trenton, MI 48183

CLS Recycling  
PO Box 341  
Jena, LA 71342

Liberty Scrap Metal-Plant2  
417 Angle Rd.  
Fort Pierce, FL 34947

Shapiro Metal  
9338 Olive Blvd. Ste 200  
St. Louis, MO 63132

Louis Padnos Iron & Metal Co.  
PO Box 66973  
Slot 303113  
Chicago, IL 60666-0973

Bishop Engine & Automatic Inc.  
PO Box 223585  
Dallas, TX 75222

Alan's Industrial Waste Svs Inc  
PO Box 214  
Ridgely, TN 38080

Middle TN Natural Gas  
PO Box 399  
Woodbury, TN 37190-0399

Liberty Scrap Metal Inc.  
1030 25<sup>th</sup> Ct.  
West Palm Beach, FL 33407

Jack Gray Transport Services  
135 S. LaSalle 2407  
Chicago, IL 06074-2407

Middle TN Electric  
PO Box 220  
Lebanon, TN 37088-0220

ACM Specialized Materials  
977 Amesbury Rd.  
Haverhill, MA 01830

Main Metal Recycling  
PO Box 2348  
Jacksonville, FL 32203-2348

Columbus Scrap Material Inc.  
PO Box 8670  
Columbus, MS 39705

KorMet Enterprises Inc.  
5421 W. Howard St.  
Skokie, IL 60077

Arkansas Aluminum Alloys  
Attn: Timothy R. McGrath  
4400 Malvern Rd.  
Hot Springs National Park, AR 71901